



COUNTY OF LOS ANGELES
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TO: SUPERVISOR ZEV YAROSLAVSKY, Chairman
SUPERVISOR GLORIA MOLINA
SUPERVISOR YVONNE BRATHWAITE BURKE
SUPERVISOR DON KNABE
SUPERVISOR MICHAEL D. ANTONOVICH

FROM: LLOYD W. PELLMAN 
County Counsel

RE: **Favorable Court of Appeal Opinion in Lawsuit Challenging
the Hollywood Bowl Environmental Impact Report**

The Court of Appeal unanimously rejected a challenge to the County's approval of the Hollywood Bowl Shell Rehabilitation Project.

Hollywood Heritage, Inc., Robert Nudelman, and Friends of the Santa Monica Mountains Parks and Seashore sought to overturn the County's approval of the project and bar replacement of the existing acoustic shell on the ground the project's Final Environmental Impact Report ("EIR") was insufficient to support the project approval.

There appear to be no close questions in the Court's determination that the EIR was adequate. The Court found that the EIR gave detailed consideration to a reasonable range of project alternatives which provided your Board with a meaningful basis for comparison with the approved project.

The Court also decided that the findings adopted by your Board, to support the determination that the benefits of the project outweigh its unavoidable environmental impacts, were supported by ample evidence in the record.

The attorney for the appellants has indicated he will seek review by the California Supreme Court. The appellants must file a petition for review with the Supreme Court by September 30. The last possible date to grant review would be December 30.

The Court's opinion is "unpublished"; that is, it governs only the parties to this litigation and will not be a case precedent published in the official reports of cases. Given the unanimity of the opinion and the fact it will not be a published precedent required to be followed by other cases, it is doubtful the Supreme Court will be interested in granting review of the decision.

Implementation of the project has been delayed pending resolution of this litigation. The Philharmonic and appropriate County staff will be meeting in the near future to discuss how to proceed with the project in light of this decision.

If you have any questions concerning this matter, please contact me, John Krattli at 974-1838, or Helen Parker at 974-1889.

LWP:KAL:gl

c: David E. Janssen
Chief Administrative Officer

Violet Varona-Lukens, Executive Officer
Board of Supervisors

Tim Gallagher, Director
Department of Parks and Recreation